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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/034,414

12/27/2001

Christopher Pasqualino

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08/17/2006

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EXAMINER

PHILIPPE, GIMS S

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/034,414

Applicant(s)

PASQUALINO, CHRISTOPHER

Examiner

Gims S. Philippe

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

This is a first office action in response to application no. 10/034,414 filed on December 27 2001 in which claims 1-21 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The term "a desired state" in claims 12 and 13 is a relative term. This term renders the claim indefinite. The term "a desired state" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claims must clearly define what which state is "*a desired state*". The claimed "*a desired state*" may depend upon certain conditions. Appropriate correction is required.

Claims 14-17 are rejected by dependency to claim 13.

**Since claims 12-17 are indefinite, they will be examined as best understood by the examiner.**

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Mair et al. (US Patent Application Publication no. 2002/0186322 A1).

Regarding claims 1, 12 and 13, Mair discloses the same method of transmitting auxiliary data in video encoding (See Abstract) comprising receiving first and second data (See [0042], lines 4-6), encoding the first data based on a state of at least one bit of the second data (See [0033], lines 7-19 and [0035, lines 7-16) , packaging the encoded first data and the second data into a single word (See [0042]), and communicating the single word (See [0043]).

Art Unit: 2621

As per claim 18, the limitations of this claim are met in the rejection of claims 1, 2 and 13 above.

As per claim 2, Mair further discloses the same method comprising DC balancing the first data (See [0021, lines 10-19).

As per claim 3, Mair further discloses the same method wherein the first data further comprises determining whether the first data should be inverted (See Mair [0038], lines 5-9).

As per claim 4, Mair further discloses the same method wherein encoding the first data further comparing a state of inversion of the first data to the state of the at least one bit of the second data (See [0038], lines 20-32).

As per claims 5-6, Mair further discloses inversion according to a matching criteria (See [0038], lines 5-34).

As per claims 7-11, most of the limitations of these claims have been noted in the above rejection of claim 1. In addition, the intermediate value being the audio data is disclosed in Mair [0021 and 0041].

As per claims 14-17, most of the limitations of these claims have been noted in the above rejection of claims 13. In addition, the step of performing the different logic operations as claimed is met in fig. 3B and in [0038].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mair et al. (US Patent Application Publication no. 2002/0186322 A1).

As per claims 19-21, most of the limitations of these claims have been noted in the above rejection of claims 1, 12 and 13.

It is noted that while Mair provides the encoding and decoding in figs. 3A, 3B and 5, it is silent about the enhanced and un-enhanced aspect of the coding/decoding process. However, from paragraphs [0041 to paragraph 0044] Mair discloses several encoding and decoding techniques wherein the encoding is performed with modulation, and the receiver/decoder receives the data without being encoded in [0044], and the receiver/decoder may send recovered auxiliary data to generate data path based on the accuracy of the auxiliary data. These steps are considered either equivalent or render the enhanced and un-enhanced encoding/decoding obvious to one skilled in the art

since the purpose of using enhanced/or unenhanced decoder/encoder is to transmit the auxiliary data without prior knowledge of the capability of the video received receiving auxiliary data as suggested by Mair in [0044].

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Mair et al. (US Patent no. 6903780) teaches method of expanding high-speed serial data providing compatibility with class of DVI receivers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gims S Philippe  
Primary Examiner  
Art Unit 2621

GSP

August 15, 2006